

TO: Planning Commission Members
Honorable Mayor and City Council Members
FROM: Paul Kenaga, Zoning Administrator
DATE: July 11th, 2014
RE: Meeting Minutes
Tuesday, July 8th, 2014

The Planning Commission met at 5:15 p.m., on Tuesday, July 8th, 2014, in the City Council Chambers at City Hall. The following members were present: Don Smith, Jerry Steffes, Dave Hanifl, Richard Wieser, Patty Dockendorff, Mani Edpuganti, Linda Larson and Ex-officio members John Graf, Bill Waller and Shawn Wetterlin were in attendance. Skip Wieser was not present. Paul Kenaga was also in attendance

1. Meeting was called to order by Chairman Smith and roll call taken. The minutes of June 3, 2014, May 6th, 2014 and May 15th, 2014 were approved as distributed by a consensus of the Planning Commission Members.

2. The Planning Commission of the City Zoning Authority held a public meeting at the La Crescent City Hall, 315 Main Street, in said City on Tuesday, June 3, 2014 at 5:20 o'clock P.M. to consider an application for a zoning classification from R-1B to R-3. The zoning change request concerns certain premises situate in said City described as follows, to wit: Parcel number 25.0136.000, more commonly identified as 201 North Elm Street.

The Public Hearing was re-opened. There were no neighbors who desired to speak so the Planning Commission had a conversation with Brad McNally and James Lintelman, the applicants on behalf of the Lutheran church congregation. .

It was agreed by the applicants that the building would not be suitable for a duplex without extensive remodeling as bathrooms do not have showers and a second exit would be required from one unit. It was also brought up that the building might be approved to continue on as a day-care facility if no more than 1 year of time passes before reoccupied. The applicant is

encouraged to notify any potential buyer of the need to ensure a permitted use prior to closing on the purchase.

The Planning Commission concluded that an interim use permit might be possible if there was a buyer with a specific use. It would require an application, neighborhood notice and agreement of the City Council.

The applicants that submitted a written request for a withdrawal of the re-zoning application with the hope that an additional fee would not be charged if they returned with a specific proposal based on an interested buyer. .

Motion was made by Wieser, seconded by Hanifl that the City Council accept the letter of withdrawal of the application with the stipulations that:

1. No additional fee will be required if reapply.
2. A contingent purchase agreement be included with the next application.
3. A complete set of plans for any remodeling of the building be included with the new application.

Upon a roll call vote, all members present voted in the following order with the majority of the Planning Commissioner's voting for the motion as proposed.

Wieser – Yes

Hanifl – Yes

Steffes – Yes

Larson – Yes

Dockendorff – No

Edpuganti – Yes

Chairman Smith -- Yes

3. The Planning Commission of the City Zoning Authority held a public hearing at the La Crescent City Hall, 315 Main Street, in said City on Tuesday, June 3, 2014 at 5:35 o'clock P.M. to consider an application for a variance to build a new attached garage and attached house addition to an existing non-conforming property. The existing single story garage/cabana structure shall be demolished, fill brought in and a new attached garage and house addition constructed above the Flood Protection Elevation requirement when 12.50, Subd. 2, B states, "In no case shall the improvement extend closer to the OHWL than the existing structure." The variance request concerns certain premises situate in said City described as follows, to wit: Sect-

03 Twp-104 Range-004, PT LOTS 1 7 2 LY E OF RR, (EX RR OF SW ¼ NE ¼) EX PCS
SOLD 7 EX S 130 FT, more commonly identified as 864 Shore Acres Road.

Public Hearing opened with the following persons speaking;

- Monte Vicker – Builder from Rochester that will work on the project spoke concerning the construction work anticipated.
- Joye Goblirsch – Architect in charge of the project spoke concerning obeying all of the rules of the City of La Crescent and making the project something that all will be proud to have in La Crescent.

Public Hearing was then closed as no member of the public wished to be heard on the matter.

Motion by Hanifl, seconded by Edpuganti to approve the variance request with the following conditions:

1. The non-conforming shed on the very North end of the property be removed.
2. There be no further encroachment towards the river with any part of the new building, nor any expansion of the existing deck.
3. There be a reasonable effect to mitigate water run-off with the consideration of pervious pavers and rain gardens.
4. That all new buildings to have the lot filled and the lowest level of any structure be, at a minimum, consistent with the Flood Protection Elevation requirement.

Upon a roll call vote, all members present voted in favor of the motion as proposed.

In recommending that the motion be approved, the Planning Commission referenced the following findings of fact:

1. The variance may be granted when the applicant establishes that there are practical difficulties in complying with the zoning ordinance.
 2. The plight of the landowner is due to circumstances unique to an odd shaped lot wedged between the Mississippi River and the Canadian Pacific Railroad. And there appears no alternatives that what is proposed. The setbacks from the railroad and the river would preclude a home on the site.
 3. This project will be removing all nonconforming structures.
 4. The variance will not alter the essential character of the locality.
4. The Planning Commission of the City Zoning Authority held a public hearing at the La Crescent City Hall, 315 Main Street, in said City on Tuesday, June 3, 2014 at 5:50 o'clock

P.M. to consider an application for a proposed administrative subdivision that would require, as proposed two variations;

1. Lot width of 75' instead of the 80' as required for an R-3 minimum lot width per 12.19, Subd. 5 of the Zoning Ordinance.
2. Side yard setback of 3.1' instead of the required 10% of the lot width as required for an R-3 minimum side yard setback per 12.19, Subd. 5 of the Zoning Ordinance.

The proposed administrative subdivision with two variations request concerns certain premises situate in said City described as follows, to wit: Parcel number 25.0204.000, better known as 113 North Oak Street.

Public hearing opened and the applicant, nor representative, was present to answer questions or explain the project.

The following two residents spoke against the administrative subdivision and an additional dozen or more were present to offer opinions but were not called upon as the applicant was not present:

1. Sara Hurley – 418 North 2nd Street
2. Marty Holub – 421 North 2nd Street

Public Meeting Closed.

Motion made by Dockendorff, seconded by Larson to recommend to the City Council that they deny the application for the proposed administrative subdivision with two variations but to allow the applicant to reapply with no additional fee.

Upon a roll call vote, all members present voted in favor of the motion as proposed.

In recommending that the motion be denied, the Planning Commission referenced the following findings of fact:

1. Neither applicant nor applicant's agent appeared at the public hearing in support of the application and thus neither committee nor public questions could be answered.
2. The material as submitted left questions as to the use the applicant wanted.

Note: As the meeting was adjourning Mr. Wayne Cornforth appeared who is interested in buying the property. The Chair spoke with Mr Cornforth after the meeting. It was explained that as there had been a public meeting where residents could express their opinion and gain additional information we could not now return to his item on which a final action was taken. We had left open the opportunity for the property owner to reapply with property owners being properly noticed. It was also suggested that the building official and the chair meet in conjunction with any resubmittal to answer any

questions and prepare for the meeting so that submitted documents and City process might better represent the intentions of the property owner and apparent purchaser.

5. The Planning Commission of the City Zoning Authority held a public hearing at the La Crescent City Hall, 315 Main Street, in said City on Tuesday, June 3, 2014 at 6:10 o'clock P.M. to consider an application for a proposed administrative subdivision to wit:

Parcel numbers 25.0642.000 and 25.0643.000, better known as 318 – 322 Shore Acres Road.

Public Hearing opened with the following persons speaking;

- Bud and Barb Hammes – 314 Shore Acres Road, spoke in favor of the subdivision and are looking forward to leveling the sand pile and having a new neighbor. They are interested in working out driveway entrances, tree removal and setback from the water.
- Marty Kirchner – Builder; spoke concerning the redefining of the property lines in a new plat to create 2 conforming lots.
- Jim Stansfield – owner, spoke about the home he wants in the neighborhood.

Public hearing closed with no other public wishing to be heard.

Motion by Hanifl, seconded by Wieser to recommend to the City Council to approve the administrative subdivision with a minimum 50' setback from the OHWL to create two lots according to the proposed plat.

Upon a roll call vote, all members present voted in favor of the motion as proposed.

In recommending that the motion be approved, the Planning Commission referenced the following findings of fact:

1. The Administrative Subdivision will conform to all requirement for lots within a 1.A. Zoning District and the applicant has demonstrated by survey that they comply with the requirements to be granted the subdivision, to wit: "Divisions of land where the division is to permit the adding of a parcel of land to an abutting lot or the combination or recorded lots to form no more than two lots. Newly created lots shall conform to the design and performance standards of the LaCrescent Subdivision and Zoning Ordinance."
2. That the lots have sufficient depth to easily accommodate a full setback and that the setback adds certainty for the continuing discussions with the neighbor to the south and protection for Mr. Stansfield, who intends to construct a home on the lot to the south, relative to the lot to the north which he stated he intends to sell. It also adds certainty as the exact setback can be better determined when flood waters recede.

Nothing would prejudice applying for a variance to the 50 foot set back, which is a condition to granting the Administrative Subdivision, at a future date.

6. The Planning Commission of the City Zoning Authority held a public meeting at the La Crescent City Hall, 315 Main Street, in said City on Tuesday, June 3, 2014 at 6:25 o'clock P.M. To consider a variance to allow for a new home to be built with a roof pitch less than 4/12 as is required by section 12.52, Subd. 17 of the Zoning Ordinance (p. 160) and to use a setback as allowed in section 12.46, Subd. 3, A of the Zoning Ordinance, (p. 142), instead of 50 feet from the OHWL. The variance request concerns certain premises situate in said City described as follows; parcel # 25.0643.000, better known as 318 Shore Acres Road.

After it was explained the roof pitch is an ecstatic standard in the zoning code and there are no plans to determine the look of the flat roof, the applicant decided to withdraw this application and reapply at a later date if the home design requires a variance.

It was the consensus of the Planning Commission Members to accept the withdrawal of the application and to let the applicant make another variance request with no additional fee if required.

7. The Planning Commission of the City Zoning Authority held a public hearing at the La Crescent City Hall, 315 Main Street, in said City on Tuesday, June 3, 2014 at 6:40 o'clock P.M. to consider an application for a variance to allow a home to be built with the garage in front of the principal dwelling when the Zoning Ordinance states, "attached garages shall have the same or greater set back from the street as the principal structure." The variance request concerns certain premises situate in said City described as follows; Lot #4, Block 2, Apple Blossom Acres 2, better known as 1415 Jonathan Lane.

Motion made by Steffes, seconded by Dockendorff to approve the variance request to have the attached garage built 2' in front of the principal structure at 1415 Jonathan Lane.

Upon a roll call vote, all members present voted in favor of the motion as proposed.

In recommending that the motion be approved, the Planning Commission referenced the following findings of fact:

1. The variance may be granted when the applicant establishes that there are practical difficulties in complying with the zoning ordinance.
2. The plight of the landowner is due to circumstances unique to the property since it is an odd shaped lot and there appears no alternatives that what is proposed.
3. The variance will not alter the essential character of the locality.

8. Motion by Steffes, seconded by Hanifl to call for a Public Hearing on August 5, 2014 @ 5:20 P.M. to consider Itinerant Merchants, Peddlers, Solicitors and Garage or Yard Sales according to the La Crescent City Code.

Upon a roll call vote, all members present voted in favor of the motion as proposed.

9. The Planning Commission had a discussion concerning the flag pole and Crown Castle.

Motion by Steffes, seconded by Edpuganti to inform the City Council that Crown Castle did not comply with the conditions of the CUP granted to extend the Flag Poll at Abnet Field. Crown Castle. Specifically the design called for a smooth transition in the dimension of the flag pole and as constructed it has an abrupt and unsightly column at the top of the pole.

Upon a roll call vote, all members present voted in favor of the motion as proposed.

The Planning Commission in making its finding referenced the letter of April 29th to Crown Castle from Mr. Kenaga documenting the proposed and final design. This location is a prominent and important location in the Community and adjacent to Public School sites, hockey arena and sports field.

10. Discussion concerning “A guide to Proactive Rental Inspection Programs” will be tabled until the next meeting in August.

11. Motion by Wieser, seconded by Edpuganti to call for a Public Hearing on July 22, 2014 @ 5:20 P.M. to consider the application for a conditional use permit to allow a home occupation for a clinical massage therapist in an R-1A zoned district. The conditional use request concerns certain premises situate in said City described as follows, to wit: parcel number 25.0587.000, better known as 505 South 10th Street.

Upon a roll call vote, all members present voted in favor of the motion as proposed.

12. Motion made by Wieser, seconded by Dockendorff is adjourn the meeting at approximately 7:45 P.M.